

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICHARD G. WILSON,)
)
Plaintiff,)
)
v.) Case No. 4:22-CV-66 PLC
)
BRIAN ANTHONY RAYFORD)
)
and)
JOHN W. LAUMEIER,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ “Memorandum to Court Regarding Status of Defendant Brian Rayford’s Chapter 13 Bankruptcy Case and Request to Vacate Trial Setting” [ECF No. 64] Defendants state Defendant Rayford’s bankruptcy proceeding is still active and that his bankruptcy attorney “has informed counsel that Defendant Rayford’s bankruptcy proceeding is a 60-month case and proceeding normally with no issues to report.” [ECF No. 64] Defendants assert “the trial date of this matter is still set” for October 16, 2023 and request the Court “vacate the current trial setting pending Defendant Rayford’s bankruptcy case and stay[.]” [ECF No. 64]

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Defendants Brian Rayford and John Laumeier, who subsequently removed the action to this Court. [ECF No. 1, 4] In October 2022, Defendant Rayford filed a Suggestion of Bankruptcy. [ECF No. 28] In November 2022, after briefing by the parties, the Court ordered Plaintiff’s claims against Defendant Rayford automatically stayed pursuant to 11 U.S.C. §362(a) during the pendency of the bankruptcy proceedings and for the parties to file periodic status reports. [ECF No. 33].

Plaintiff's case against Defendant Laumeier proceeded and the trial on Plaintiff's claims against Defendant Laumeier was set for October 16, 2023. [ECF No 55, 56] However, in July 2023, the Court entered summary judgment in Defendant Laumeier's favor on Plaintiff's claims against Defendant Laumeier. [ECF No. 58] Thus, at this junction, Plaintiff has no pending claims against Defendant Laumeier and Plaintiff's claims against Defendant Rayford are stayed. Accordingly,

IT IS HEREBY ORDERED that the October 16, 2023 trial setting regarding Plaintiff's claims against Defendant Laumeier is **VACATED**.

IT IS FINALLY ORDERED that the Clerk of Court shall **CLOSE** this case, for administrative purposes only, pending the conclusion of the bankruptcy case.

Patricia L. Cohen

PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of September, 2023